

TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371		Attorney's Docket Number 72025 U.S. Application No. 10/554715 10/554715
INTERNATIONAL APPLICATION NO. PCT/EP2004/004169	INTERNATIONAL FILING DATE 20/April/2004	PRIORITY DATE CLAIMED 28/April/2003
TITLE OF INVENTION SURGICAL FLAT IMPLANT		
APPLICANT(S) FOR DO/EO/US FRICKE et al.		

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a FIRST submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371.
3. ☒ This express request to begin national examination procedures (35 U.S.C. 371(f) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).
4. ☒ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(C)(2))
 - a. ☐ is transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☒ has been transmitted by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☒ A translation of the International Application into English (35 U.S.C. 371(c)(2)).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☐ have been transmitted by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☐ have not been made and will not be made.
8. ☐ A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11. to 16. below concern other documents (s) or information included:

11. ☒ An Information Disclosure Statement under 37 CFR 1.97 and 1.98
12. ☒ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☒ A FIRST preliminary amendment.
☐ A SECOND or SUBSEQUENT preliminary amendment.
14. ☐ A substitute specification.
15. ☐ A change of power of attorney and/or address letter.
16. ☒ Other items or information:
 Formal Drawings (1 sheet)
 Copy of Express Mail Receipt No. EV436437350US
 Copies of Cited References (7)
 Credit Card Payment Form

U.S. Appl. No. (if known, sec. 37 CFR 1.51) 10/554713	International Application No. PCT/EP2004/004169	Attorney's Docket Number 72025
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<p>The following fees have been submitted:</p> <p>17. <input checked="" type="checkbox"/> Basic National fee (37 CFR 1.492(a)). \$300.00</p> <p>18. <input checked="" type="checkbox"/> Examination fee (37 CFR 1.492©) If the written opinion prepared by ISA/US or the International preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4). \$ 0.00 All other situations. \$200.00</p> <p>19. <input checked="" type="checkbox"/> Search fee (37 CFR 1.492(b)) If the written opinion of the ISA/US or the International preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4). \$ 0.00 Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority. \$100.00 International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB. \$400.00 All other situations. \$500.00</p>	CALCULATIONS PTO USE ONLY
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ENTER APPROPRIATE BASIC FEE AMOUNT =	\$ 1,000.00													
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821© or (e) or computer program listing in an electronic medium) (37 CFR 1.492(j)). The fee is \$250.00 for each additional 50 sheets of paper or fraction thereof.														
<table border="0"> <tr> <td>Total Sheets</td> <td>Extra sheets</td> <td>Number of each additional 50 or fraction thereof (round up to a whole number)</td> <td>RATE</td> </tr> <tr> <td>- 100 =</td> <td>/50 =</td> <td></td> <td>x</td> </tr> <tr> <td>\$250.00</td> <td></td> <td></td> <td></td> </tr> </table>	Total Sheets	Extra sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE	- 100 =	/50 =		x	\$250.00					
Total Sheets	Extra sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE											
- 100 =	/50 =		x											
\$250.00														
Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(e))	\$ 0.00													

CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total Claims	8 - 20 =	0	X \$ 50.00	\$ 0.00	
Independent claims	1 - 3 =	0	X \$ 200.00	\$ 0.00	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$360.00	\$ 0.00	
TOTAL OF ABOVE CALCULATIONS =				\$ 0.00	

Reduction of ½ for filing small entity, if applicable. Verified Small Entity Statement must also be filed (Note 37 CFR 1.9, 1.27, 1.28)	\$ 0.00	
SUBTOTAL =	\$ 1,000.00	
Processing fee of \$130.00 for furnishing the English translation late than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f)).	\$ 0.00	
TOTAL NATIONAL FEE =	\$ 1,000.00	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property	\$ 40.00	
TOTAL FEES ENCLOSED =	\$ 1,040.00	
	Amount to be: refunded	\$
	charged	\$

a. ☐ A check in the amount of \$_____ to cover the above fees is enclosed.

10/554715

- b. [X] Please charge my Credit Card Account in the amount of \$1,040.00 to cover the above fees.
A duplicate copy of this sheet is enclosed.

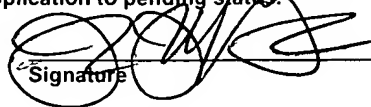
JCT4 Rec'd PCT/PTO 27 OCT 2005

- c. [X] The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to
Deposit Account No. 13.0410. A duplicate copy of this sheet is enclosed.

NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b))
must be filed and granted to restore the application to pending status.

Send all correspondence to:

McGLEW AND TUTTLE, P.C.
Scarborough Station
Scarborough, NY 10510-9227


Signature

John James McGlew
Name

31,903

Registration Number

10/554715

JC14 Rec'd PCT/PTO 27 OCT 2005

McGLEW AND TUTTLE, P.C.

REGISTERED PATENT ATTORNEY

JOHN JAMES MCGLEW J.D., NY, NJ, DC BARS

THEOBALD DENGLE, PATENT AGENT

HILDA S. MCGLEW M.D., PATENT AGENT

Counselors at Law

SCARBOROUGH STATION
SCARBOROUGH, NEW YORK 10510-9227
TEL: (914) 941-5600
FACSIMILE: (914) 941-5855

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Customer Number: 000023872

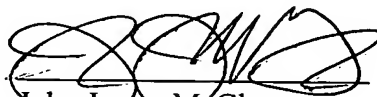
Sir:

Attached please find the complete application papers and large entity fees in the above-identified application which are being placed in the U.S. Mail today, October 27, 2005, as Express Mail number EV436437350US.

A copy of the Express Mail receipt is also attached.

Respectfully submitted
for Applicant(s),

By:



John James McGlew

Reg. No. 31,903

JJM:tf

Enclosures - Complete Application Papers and Fees
- Copy of Express Mail Receipt

DATED: October 27, 2005
SCARBOROUGH STATION
SCARBOROUGH, NEW YORK 10510-0827
(914) 941-5600

10/554715

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I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH
THE UNITED STATES POSTAL SERVICE AS EXPRESS MAIL IN AN ENVELOPE
ADDRESSED TO: COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA,
VA 22313-1450, NO. EV436437350US

McGLEW AND TUTTLE, P.C., SCARBOROUGH STATION,
SCARBOROUGH, NEW YORK 10510-9227

BY:  DATE: October 27, 2005